

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR FOOD SAFETY, et al.,

Plaintiffs,

v.

**MARGARET A. HAMBURG, Commissioner,
United States Food and Drug Administration,
et al.,**

Defendants.

Case No. 14-cv-04932-YGR

**ORDER: (1) GRANTING MOTION TO
INTERVENE; AND (2) SETTING BRIEFING
SCHEDULE**

I. MOTION TO INTERVENE

On February 18, 2015, Elanco Animal Health (“Elanco”) filed an unopposed motion to intervene in this case. (Dkt. No. 27.) Having reviewed the papers submitted and good cause shown, the Court **GRANTS** the motion.

II. BRIEFING SCHEDULE

As agreed by the parties at the April 1, 2015 hearing, an initial set of motions under Rule 12 will address only the issues of standing (by the U.S. Food and Drug Administration and Elanco, assuming standing is still at issue in light of plaintiffs’ affidavits) and exhaustion (by Elanco).

By **April 21, 2015**, plaintiffs shall file their affidavits in support of standing. By **May 5, 2015**, the FDA shall file its opening brief, not to exceed 15 pages. By **May 12, 2015** Elanco shall file its opening brief, not to exceed 15 pages, supplementing the FDA’s brief if necessary on the issue of standing and addressing exhaustion. By **May 26, 2015**, plaintiffs shall file their opposition brief, not to exceed 20 pages. By **June 2, 2015**, the FDA and Elanco shall file their reply briefs, each not to exceed 7 pages. The hearing on these Rule 12 motions is hereby **SET** for **June 16, 2015 at 2 p.m.** in Courtroom 1 of the Federal Courthouse located at 1301 Clay Street, Oakland, California.

1 If the case proceeds beyond this initial stage, the Court will establish a briefing schedule
2 for summary judgment motions. In connection with the motions for summary judgment, the
3 parties' briefs shall be delivered to Chambers on a CD/DVD in Word and PDF format, each
4 including hyperlinks. Specifically, all citations to the fact record shall be made available in
5 hyperlink form; clicking on the hyperlinks shall result in the relevant PDF document opening up to
6 the pages cited. Importantly, although clicking on the hyperlink should jump to the appropriate
7 pin-cited page of the record document, the relevant record document in its entirety should open
8 upon clicking the hyperlink (not merely an excerpt thereof), thus permitting the Court to review
9 the cited material in its full context. The CD/DVD label shall include the names of the parties, the
10 case number, and a description of the documents.

11 This Order terminates Docket Number 27.

12 **IT IS SO ORDERED.**

13 Dated: April 1, 2015

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15 YVONNE GONZALEZ ROGERS
16 UNITED STATES DISTRICT COURT JUDGE
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